

### REMARKS

Claims 1-23 remain pending in the present application. In the September 24, 2003 Office Action, the Examiner rejected Claims 1-4, 7-11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,833,544A to Corbin et al. (hereinafter "Corbin") in view of U.S. Patent No. 6,587,159\B1 to Dewald (hereinafter "Dewald"). The Examiner rejected Claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Corbin in view of Dewald and further in view of U.S. Patent No. 3,399,887 to Altier (hereinafter "Altier"). The Examiner rejected Claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Corbin in view of Dewald and further in view of U.S. Patent No. 5,890,323 to Errato (hereinafter "Errato"). The Examiner rejected Claims 13-23 under 35 U.S.C. § 103(a) as being unpatentable over Corbin in view of Errato. For the reasons discussed below, Applicants respectfully traverse the rejection of Claims 1-23. The drawings and Claim 16 were also objected to.

#### Discussion of the Objections to the Drawings

The Examiner has objected to the drawings for failing to show the following structures described in the specification: the concession stand 155, the terminal 160, and the vestibule 350. In response, Figure 1 has been amended to add lead lines and corresponding reference numbers 155 and 160 to indicate the concession stand and the armrest mounted terminal, respectively. Figure 3 has been amended to change the reference 305 indicating the vestibule to 350. No new matter has been added by the foregoing amendments. Applicants therefore respectfully request that the drawing objections be withdrawn.

#### Discussion of the Objection to Claim 16

Claim 16 has been amended to recite "statues" and to delete the phrase "statutes". Applicants therefore respectfully request that the objection to Claim 16 be withdrawn.

#### Discussion of the Rejection under 35 U.S.C. § 103(a) over Corbin in view of Dewald

In order to establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. See MPEP § 2143.03. In this case, Corbin and Dewald, taken alone or together, fail to satisfy this basic requirement.

By way of example, neither Corbin nor Dewald teach or suggest "a plurality of special effects systems connected to the first support structure and configured to operate during the projection of the image sequences and, in response to code embedded in digital media associated

with the image sequence, in synchronization with the image sequences so as to simulate being present at a live event," as recited by Claim 1 as amended.

The Examiner asserts that Corbin discloses "a support structure (22, Figure 1) is positioned aside the screen and supports a plurality of special effects controller by a master controller (42, Figure 1)." However, neither Corbin nor Dewald teach or suggest a plurality of special effects systems connected to a first support structure and configured to operate, in response to code embedded in digital media associated with the image sequence, in synchronization with the image sequences so as to simulate being present at a live event. Instead, Corbin discloses, with respect to the track 22, that:

Referring to FIG. 1, track sensors 40 are positioned at various locations along the track, to detect the position of the motorcycle 70 on the track. The sensors 40 are connected to a master controller 42 that controls the raising and lowering of the screen 14, and the actuators 122, to open and close the doors 24 and 26. The track sensors 40 are preferably magnetic field type sensors. When the motorcycle 70 passes the track sensors 40, the magnetic field is interrupted by an activator installed on the carriage 44. *Various lighting or special effects are also controlled by the master controller 42 and may be initiated upon one or more of the track sensors 40 sensing the passing motorcycle.* (Column 3, lines 46-57, italics added)

Thus, rather than disclosing a plurality of special effects systems connected to a first support structure and configured to operate in synchronization with the image sequences so as to simulate being present at a live event, Corbin teaches that the master controller 42 controls the raising and lowering of the screen 14, the actuators 122, to open and close the doors 24 and 26, lighting and special effects in response to one or more of the track sensors 40 sensing the passing motorcycle. Nowhere does Corbin disclose or suggest that the master controller 42 controls plurality of special effects systems connected to the track 22, much less "a plurality of special effects systems connected to the first support structure and configured to operate during the projection of the image sequences and, in response to code embedded in digital media associated with the image sequence, in synchronization with the image sequences so as to simulate being present at a live event," as recited by Claim 1.

The Examiner further asserts that Corbin shows an open space between the stage and seating which may be used as a communal area for talking and dancing. Applicants respectfully traverse the Examiner's characterization of Corbin. Corbin completely fails to discuss or even mention the configuration of the space between the stage and seating, and Figure 1 of Corbin

further fails to provide any details or elevations for the space between the stage and seating. Corbin thus fails to disclose whether the space between the stage and seating is useable as a communal area or configured for people to dance. Therefore, the Examiner's assertion that "Corbin shows an open space between the stage and seating which may be used as a communal area for talking and dancing" is merely speculation. For example, the "space" may not be open and may, for example, include barriers or elevations to prevent the audience from reaching the stage, and so would not be "a communal area positioned between the projection screen and the plurality of seats and configured to provide an open space for people to dance."

For at least the foregoing reasons, Applicants respectfully request that the Examiner withdraw the rejection to Claim 1, and to allow Claim 1.

With respect to Claim 3, which recites a backstage area located behind the projection screen, "the backstage area configured to simulate the backstage of a live concert venue," the Examiner states that Corbin discloses a backstage area (18, Figure 1) behind the projection screen. The Examiner argues that how "the backstage area is used constitutes methods of intended use which does not further limit the structural features of the claimed article." However, Claim 3 does not recite methods of intended use. Instead, Claim 3 recites that a movie theater further comprises a backstage area configured to simulate the backstage of a live concert venue. Further, other than disclosing that the track 22, staging platform 28, track sensors 40, and master controller 42 are in the backstage area 18, Corbin completely fails to discuss or even mention the configuration of the backstage area 18, and therefore fails to disclose whether the backstage area is configured, or even whether the backstage area can be configured to simulate the backstage of a live concert venue.

Further, the presence of the track 22, staging platform 28, and so on in the backstage area 18 may preclude its use as a simulated backstage of a live concert venue. Indeed, the apparatus disclosed by Corbin is intended to create "the visual illusion of the action of the film presentation on the screen transforming into live action in front of the screen" (column 1, lines 41-43). Providing audience access to the backstage area 18 and the track 22, staging platform 28, track sensors 40, and master controller 42 would likely dispel the desired illusion and so would not be used or configured to simulate the backstage of a live concert venue. For at least the foregoing

reasons, Applicants respectfully request that the Examiner withdraw the rejection to Claim 3, and to allow Claim 3.

With respect to Claim 4, the Examiner admits that Corbin fails to disclose “a master of ceremonies station positioned adjacent to the plurality of seats.” Nonetheless, the Examiner argues that such a podium is well known in the art and that it would have been obvious for one of ordinary skill in the art to place a master of ceremonies station adjacent the plurality of seats to provide optimum visibility by patrons.

Applicants respectfully traverse the Examiner’s rejection of Claim 4. As set forth in M.P.E.P. § 2143.01, in order to establish obviousness based on modification of a reference, the prior art must suggest the desirability of the claimed combination. “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01. Corbin completely fails to disclose or suggest a master of ceremonies. Therefore, Corbin has no need for a master of ceremonies station and fails to teach or suggest a master of ceremonies station, much less “a master of ceremonies station positioned adjacent to the plurality of seats.” Indeed, the Examiner failed to even provide any motivation to modify Corbin to include a master of ceremonies station, and so has failed to make a prima facie case of obviousness. For at least the foregoing reasons, Applicants respectfully request that the Examiner withdraw the rejection to Claim 4, and to allow Claim 4.

With respect to Claims 7-8, the Examiner appears to admit that Corbin fails to disclose that image sequences are of a live or recorded concert. Nonetheless, the Examiner asserts that Corbin, at column 1, lines 65-67, states that the motorcycle experience is just an example of what could be used to depict a live-action theater combined with film presentation. Applicants respectfully traverse the Examiner’s characterization of Corbin. Corbin, at column 1, lines 65-67, recites “It is to be understood, however, that the drawings are designed for the purpose of illustration only, and are not intended as a definition of the limits of the invention.” However, even assuming that Corbin does state that “the motorcycle experience is just an example of what could be used to depict a live-action theater combined with film presentation,” the Examiner, in arguing that “the film selection is a matter of obvious design choice to achieve the desired effect of the particular production,” has failed to provide any motivation to modify Corbin to simulate

being present at a concert production. Therefore, the Examiner has failed to provide an adequate motivation to modify Corbin to include image sequences of a live concert or image sequences of a recorded concert. Applicants therefore respectfully request that the Examiner withdraw the rejection to Claims 7-8, and to allow Claim 7-8.

With respect to Claim 9, the Examiner takes the position that Corbin discloses a sport related event on the screen. Applicants respectfully traverse the Examiner's characterization of Corbin. A careful review of Corbin fails to disclose a sport related event on the screen. Instead, Corbin merely discloses that in a film sequence, an actor rides a vehicle, such as a motorcycle. Because Corbin fails to teach or suggest the image sequences are of a sporting event, Applicants respectfully request that the Examiner withdraw the rejection to Claim 9, and to allow Claim 9.

With respect to Claim 11, the Examiner states that Corbin, at Column 4, lines 19-20, discloses the use of fog machines. Corbin, at Column 4, lines 19-20, recites "Fog effect generators 35 just in front of the screen help the mask the entrance of the motorcycle and rider onto the front stage 20 through the door 24." However, Corbin fails to teach or suggest that special effects systems include synchronized fog machines. Therefore, Applicants respectfully request that the Examiner withdraw the rejection to Claim 11, and to allow Claim 11.

Discussion of the Rejection under 35 U.S.C. § 103(a) over Corbin in view of Dewald and further in view of Altier

With respect to Claims 5 and 6, the Examiner admits that Corbin fails to show or disclose a lounge positioned adjacent the plurality of seats or a bar positioned adjacent the open communal area. Nonetheless, the Examiner asserts that it would have been "obvious for one of ordinary skill in the art at the time of the invention was made to put a dining area, lounge and dance arrangement within the theater to accommodate patrons, as Corbin et al. is concerned with providing an enhanced theater experience (column 1, lines 29-30)."

Applicants respectfully traverse the Examiner's characterization of Corbin. The enhanced theater experience cited by the Examiner is completely unrelated to food, dining, drinking, or dancing. With respect to the Examiner's cite to Corbin, Corbin actually recites that "Of course, to make the transition appear realistic, i.e., that a character projected on the screen becomes live on stage, the transition must be smooth and properly timed and coordinated. Indeed, the transition itself should be unnoticeable, so that the audience is not distracted by it, to

*provide an enhanced theater experience.*" (emphasis added) Thus, the enhanced theater experience discussed by Corbin relates to a transition of a character projected on the screen becoming live on stage, not to food, dining, drinking, or dancing.

Indeed, a careful review of Corbin fails to even mention food, dining, drinking, or dancing and so is not concerned with food, dining, drinking, or dancing or providing area for eating, drinking or dancing. Therefore, there would be no motivation to modify the theater of Corbin with Altier to include a lounge positioned adjacent to the plurality of seats or a bar positioned adjacent to the communal area as claimed. Applicants therefore respectfully request that the Examiner withdraw the rejection to Claims 5-6, and to allow Claim 5-6.

Discussion of the Rejection under 35 U.S.C. § 103(a) over Corbin in view of Dewald and further in view of Errato

With respect to Claim 12, the Examiner admits that Corbin fails to disclose that a plurality of seats are adaptably positioned to simulate a plurality of venues. Nonetheless, the Examiner states that Errato discloses repositionable seating to accommodate different venues. The Examiner argues that it would have been "obvious for one of ordinary skill in the art at the time the invention was made to use repositionable seating in the theater of Corbin et al. for accommodating various venues, as Corbin et al. is motivated to enhance the audience perception that they are participating in the performance (column 1, lines 14-15)."

Applicants note that Corbin fails to even discuss "accommodating various venues". Furthermore, with reference to the section of Corbin cited by the Examiner, Corbin merely states that the "film presentation itself may use special effects such as three dimensional images, and sound and vibration effects. These effects tend to enhance the perception of the audience that they are participating more in the on-screen action," and makes no reference to "accommodating various venues." Because Corbin does not even teach or suggest simulating a plurality of venues, there would be no motivation to modify the theater of Corbin with the disclosure of Errato to include a plurality of seats adaptably positioned to simulate a plurality of venues. Therefore, Applicants respectfully request that the Examiner withdraw the rejection to Claim 12, and to allow Claim 12.

Discussion of the Rejection under 35 U.S.C. § 103(a) over Corbin in view of Errato

With respect to Claim 13, the Examiner admits that Corbin fails to disclose that a plurality of seats are adaptably positioned to simulate a plurality of venues. Nonetheless, the Examiner states that Errato discloses repositionable seating to accommodate different venues. The Examiner argues that it would have been "obvious for one of ordinary skill in the art at the time the invention was made to use repositionable seating in the theater of Corbin et al. for accommodating various venues, as Corbin et al. is motivated to enhance the audience perception that they are participating in the performance (column 1, lines 14-15)". However, as similarly discussed with respect to Claim 12, Corbin fails to even discuss "accommodating various venues." - Col. 4, 31-32, "any vehicle or prop"

Furthermore, with reference to the section of Corbin cited by the Examiner, Corbin merely states that the "film presentation itself may use special effects such as three dimensional images, and sound and vibration effects. These effects tend to enhance the perception of the audience that they are participating more in the on-screen action," and makes no reference to "accommodating various venues." Indeed, neither Corbin nor Errato disclose or suggest that special effects systems are used to simulate being present at an event at a different entertainment venue as claimed. Because Corbin is not concerned with, and does not even teach or suggest simulating a plurality of venues, there would be no motivation to modify the theater of Corbin with the disclosure of Errato to include a plurality of seats adaptably positioned to simulate a plurality of venues. Therefore, Applicants respectfully request that the Examiner withdraw the rejection to Claim 13, and to allow Claim 13.

With respect to Claim 14, Corbin makes no reference to using any types of props adjacent to the seats 15. Corbin only discloses the use of images and props with respect to the screen 14 and stage 20. Because Corbin is not concerned with the use of props or images other than on the screen 14 and stage 20, there would be no motivation to modify Corbin to provide a plurality of scenic elements positioned adjacent to the plurality of seats as claimed. Therefore, Applicants respectfully request that the Examiner withdraw the rejection to Claim 14, and to allow Claim 14.

With respect to Claims 15-17, the Examiner asserts that the type of scenic elements used to decorate the theater comprises a matter of design choice, dictated by the particular entertainment venue. However, Corbin does not disclose different entertainment venues, and the

Examiner has failed to provide any motivation to include a sculpture, statue, or mannequin in the theater disclosed by Corbin. Therefore, Applicants respectfully request that the Examiner withdraw the rejection to Claims 15-17, and to allow Claims 15-17.

With respect to amended Claims 18-20, Corbin fails to teach or suggest that lights, fog machines or props are synchronized using codes stored in a media stream. Therefore, Applicants respectfully request that the Examiner withdraw the rejection to Claims 18-20, and to allow Claims 18-20.

With respect to Claims 21-23, the Examiner appears to admit that Corbin fails to disclose that a simulated entertainment venue is a dance club, outdoor concert venue, or sports arena. Nonetheless, the Examiner asserts that Corbin, at column 1, lines 65-67, states that the motorcycle experience is just an example of what could be used to depict a live-action theater combined with film presentation. Applicants respectfully traverse the Examiner's characterization of Corbin.

As previously discussed, Corbin, at column 1, lines 65-67, recites "It is to be understood, however, that the drawings are designed for the purpose of illustration only, and are not intended as a definition of the limits of the invention." Corbin does not state that "the motorcycle experience is just an example of what could be used to depict a live-action theater combined with film presentation." The Examiner has further failed to provide an adequate motivation to modify the theater of Corbin to simulate being present at a dance club, an outdoor concert venue, or sports arena. Applicants therefore respectfully request that the Examiner withdraw the rejection to Claims 21-23, and to allow Claim 21-23.

### **Summary**

In view of the foregoing remarks and amendments, Applicants respectfully submit that independent Claims 1 and 13 are patentably distinct over the cited art and are in condition for allowance. Claims 2-12, and 14-23, which correspondingly depend from independent Claims 1 and 13 and further define Claims 1 and 13, are likewise patentably distinct over the cited art and are in condition for allowance. Applicants therefore respectfully request withdrawal of the rejection of Claims 1-23, and requests that the Examiner allow Claims 1-23.



Appl. No. : 10/090,505  
Filed : February 26, 2002

Request for Telephone Interview

If there are any issues that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned attorney of record at (310) 407-3461 or at the number set forth below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 24, 2004

By: David N. Weiss  
David N. Weiss  
Registration No. 41,371  
Attorney of Record  
Customer No. 20,995  
(310) 551-3450

L:\DOCS\DNW\DNW-6143.DOC  
031504